

**REMARKS**

Upon entry of the instant amendment, claims 1-17 will remain pending in the present application.

In the instant amendment, new claims 7-17 have been added. The instant amendment made herein to the claims does not incorporate new matter into the application as originally filed.

Support for new claims 7 and 15 can be found in the disclosure at page 15, line 14 to page 16, line 9 of the specification and Figs. 4 and 5 of the present application. Support for new claims 8 and 16 can be found in the disclosure at page 17, lines 7-24 of the specification and Figs. 8 and 9 of the present application. Support for new claim 9 can be found in the disclosure at page 12, line 23 to page 14, line 3 of the specification and Figs. 1-7, 8(1), 8(3), 9(1), 9(3), 10 and 13 of the present application. Claims 10-14 correspond to claims 2-6, respectively. Support for new claim 17 can be found in the disclosure at page 19, lines 2-24 of the specification and Figs. 11 and 12 of the present application.

Accordingly, proper consideration of each of the pending claims is respectfully requested at present, as is entry of the present amendment.

***Claim Rejection under 35 U.S.C. § 102***

At pages 2-3 of the outstanding Office Action, claims 1-6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Kikuchi et al. (Microchannel Array Flow Analyzer for measurement of Whole Blood Rheology and Flow Characteristics of Leukocytes Activated by Bacterial Stimulation) (hereinafter, referred to as the Kikuchi reference).

Applicant respectfully traverses and requests that the Examiner withdraw the rejection.

Legal Standard for Determining Anticipation

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Distinctions over the Cited References

The Kikuchi reference discloses the holder connecting the 100  $\mu$ l-cylinder for injecting a blood sample, an inlet pipe leading the saline container via the solenoid valve A and an outlet pipe leading the reservoir container via the solenoid valve B for making a stream of saline.

However, the holder of the Kikuchi reference does not have any opening for injecting a specimen because it is entirely unnecessary for the flow-measurement apparatus of the Kikuchi reference to have such a opening for injecting a specimen. Namely, the Kikuchi reference fails to disclose or suggest “a specimen-holding well having an opening for injecting a specimen” as recited in claim 1.

Therefore, since the Kikuchi reference does not disclose all the claimed features of the present invention, the present invention is not anticipated by the Kikuchi reference. Thus, the present invention (claim 1 and its dependent claims) is not anticipated by the Kikuchi reference. Applicants respectfully request that the Examiner withdraw the rejection.

*Additional Consideration (Non-Obviousness)*

A *prima facie* case of obviousness is not established based on the cited reference since the cited reference fails to disclose or suggest the claimed features of the present invention. Likewise, it follows that a person having ordinary skill in the art would not be motivated by any of the teachings of the cited references and by the general knowledge to arrive at the present invention.

Accordingly, the present invention (independent claim 1 and dependent claims) is not obvious over the cited reference.

**CONCLUSION**

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims are allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno, Reg. No. L0053, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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